

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
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1. REPORT DATE (DD-MM-YYYY) 10 05 2007		2. REPORT TYPE FINAL		3. DATES COVERED (From - To) 1 FEB 07 - 10 MAY 07	
4. TITLE AND SUBTITLE On the Southern Border of the United States: Threats and Opportunities in an Economy of Force Theater				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)  Stephen D. Terstegge, Major, U.S. Army  Paper Advisor (if Any):				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)  U.S. Naval War College 686 Cushing Road Newport, RI 02841-1207				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution Statement A: Approved for public release; Distribution is unlimited.					
13. SUPPLEMENTARY NOTES: A paper submitted to the faculty of the NWC in partial satisfaction of the requirements of the JMO Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.					
14. ABSTRACT The 2,000 mile Southwest border of the United States can be described as an "economy of force" theater where the threats are relatively unknown, and therefore addressed on an ad-hoc basis through the deployment of forces for limited durations and purposes. The Department of Homeland Security (DHS) needs Department of Defense (DoD) help in order to be successful in combating transnational threats to the homeland. However, with increasing demands on land forces for combat operations abroad, NORTHCOM cannot adequately fulfill its homeland security role with the forces or capabilities needed to successfully deter growing threats coming from regions south of our border. At the same time, NORTHCOM is faced with the challenge of initiating enhanced security cooperation with Mexico to address common threats, such as militarized cartels. Therefore, we must analyze how we view potential threats, the authorities for the employment of DoD forces, and realistic planning considerations on the Southwest border of the United States. In consideration of these factors, National Guard units are best suited for duty on the Southwest border. They can be tailored to the tasks and missions of securing the border, rather than the current paradigm of suiting tasks and missions to the units that may become available for this purpose.					
15. SUBJECT TERMS Homeland Security, Southwest Border, Mexico, JTF-North, NORTHCOM, Homeland Defense					
16. SECURITY CLASSIFICATION OF: UNCLASSIFIED			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES  20	19a. NAME OF RESPONSIBLE PERSON
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED			19b. TELEPHONE NUMBER (include area code) 401-841-7243

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**NAVAL WAR COLLEGE**

**Newport, R.I.**

**On the Southern Border of the United States:  
Threats and Opportunities in an Economy of Force Theater**

by

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Major, USA**

**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

**Signature: \_\_\_\_\_**

**10 May 2007**

## **Abstract**

The 2,000 mile Southwest border of the United States can be described as an “economy of force” theater where the threats are relatively unknown, and therefore addressed on an ad-hoc basis through the deployment of forces for limited durations and purposes. The Department of Homeland Security (DHS) needs Department of Defense (DoD) help in order to be successful in combating transnational threats to the homeland. However, with increasing demands on land forces for combat operations abroad, NORTHCOM cannot adequately fulfill its homeland security role with the forces or capabilities needed to successfully deter growing threats coming from regions south of our border. At the same time, NORTHCOM is faced with the challenge of initiating enhanced security cooperation with Mexico to address common threats, such as militarized cartels. Therefore, we must analyze how we view potential threats, the authorities for the employment of DoD forces, and realistic planning considerations on the Southwest border of the United States. In consideration of these factors, National Guard units are best suited for duty on the Southwest border. They can be tailored to the tasks and missions of securing the border, rather than the current paradigm of suiting tasks and missions to the units that may become available for this purpose.

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## INTRODUCTION

The 2,000 mile border between the United States and Mexico is austere, porous, evolving, and a threat to national security. Militarily, this vast and challenging topography and its associated threats fall squarely within the United States Northern Command (NORTHCOM) sector of responsibility. In a supporting role to the United States Department of Homeland Security (DHS), NORTHCOM must assist in detecting and deterring threats to the homeland, and be prepared to act as the lead agency should a terrorist attack occur on U.S. soil. However, with such a broad mission, ambiguous threat set, and scarce military resources, NORTHCOM's posture in securing the Southwest border of the United States must be one of prudent realism. To be effective in carrying out this mission, NORTHCOM must have the assets at its disposal to discern true threats and be able to mitigate them with credible Department of Defense (DoD) forces and capabilities in support of its Homeland Security mission. However, because NORTHCOM does not have any assigned forces, it relies on an already-overtaxed force structure to carry out its imperatives. Therefore, the Southwest border of the United States can be described as an "economy of force" theater where the threats are relatively unknown, and therefore addressed in an ad-hoc manner.

The factors and consequences surrounding our current posture in this economy of force theater are complex, if not disturbing. We have not thought through the consequences of the next "failure of the imagination"<sup>1</sup> on this volatile front. Political focus and popular attitudes toward this NORTHCOM sector may change, especially if

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<sup>1</sup> Based on findings of the 9/11 Commission Report, a "failure of the imagination" was partially responsible for the U.S. to adequately predict, mitigate and respond to a coordinated attack on U.S. soil. U.S. Congress. National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. Washington, D.C.: 2004.

there is a significant incident along our border with Mexico. However, the number of forces that DoD can provide for border protection duty may not be able to change in light of the sustained operational tempo (OPTEMPO) in support of the War on Terrorism (WOT). Therefore, we must analyze how we view potential threats, the authorities for the employment of DoD forces, and how holistic planning considerations can related to applying the right DoD capabilities to meet the emerging challenges on the Southwest border of the United States. Through this analysis, a new paradigm for the employment of sustainable land forces that puts the National Guard in a lead role must be considered.

## **BACKGROUND**

### **Threat**

The terrain of the Southwest border has vast deserts, rugged mountains, and intermittent population centers. In many of the 43 official points of entry along the border,<sup>2</sup> only a small river or an old fence divides U.S. and Mexican populations. The austere terrain in this region favors those who seek to routinely exploit it for criminal endeavors and could be used just as easily by others who seek to do deliberate harm to the United States. Drugs, humans, weapons and cash are currently smuggled with relative ease across the U.S. border from Mexico. The vast majority of this activity is sponsored by cartels which each “own” a geographical sector of this lucrative enterprise along the border. These cartels are known to have military grade weapons, technology, intelligence, and in some cases, their own paramilitary forces.<sup>3</sup>

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<sup>2</sup> U.S. House Committee on Homeland Security, Subcommittee on Investigations, *A Line in the Sand: Confronting the Threat at the Southwest Border*, 2006, page 3.

<sup>3</sup> Ibid. Page 8.

However, in the scheme of the numerous national security threats that face the nation, trafficking and immigration are not viewed as direct threats to the homeland.<sup>4</sup> Nonetheless, when tied to a broader transnational agenda that could target U.S. interests, one aspect of the immigrant population poses a significant concern. Of the 1.2 million illegal aliens that the U.S. Customs and Border Protection (CBP) apprehended in 2005, 165,000 were identified by CBP as “other than Mexicans” (OTMs). Of these OTMs, 650 were from “special interest” countries<sup>5</sup>—defined by the intelligence community as countries that could export terrorism to the United States.<sup>6</sup> Since 11 September 2001, there has been a 41% increase in Special Interest aliens along the Southwest border.<sup>7</sup> Examples of these incursions include seven Iraqis who were found in Brownsville, Texas, and an Afghani man who was found swimming the Rio Grande—both just last summer.<sup>8</sup>

The Deputy Homeland Security Secretary, Admiral James Loy, stated that based on information in “emerging threat streams” Al-Qaeda might exploit the porous Southwest border and use it to infiltrate the United States.<sup>9</sup> Indeed, Al-Qaeda may already have “sleeper cells” among Latin America’s large Muslim population and use Mexico as a logical route to enter the United States.<sup>10</sup> It is in light of this that the lawless South American “tri-border” region of Brazil, Argentina and Paraguay deserves more

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<sup>4</sup>Peter Bergen and Laurie Garrett, *Report of the Working Group on State Security and Transnational Threats*, The Princeton Project on National Security.

<sup>5</sup> Some of the special interest countries are identified as Iran, Jordan, Lebanon, Syria, Egypt, Saudi Arabia, Kuwait, Pakistan, Cuba, Brazil, Ecuador, China, Russia, Yemen, Albania, Yugoslavia and Afghanistan. Source: House Committee on Homeland Security Report, page 28.

<sup>6</sup> Ibid. Page 27.

<sup>7</sup> Ibid. Page 27.

<sup>8</sup> Ibid. Page 28.

<sup>9</sup> Suzanne Gamboa, *Official says Al-Qaeda may enter U.S. at southern border*, Associated Press Wire Release, 17 February 2005. Retrieved from Lexis-Nexis Academic on 8 January 2007 from <http://web.lexis-nexis.com/universe/printdoc>

<sup>10</sup> Greg Thomas, *Posse Comitatus and the Use of the Military in Denying Terrorist Access to the United States Along the Border with Mexico*, U.S. Army War College Strategic Research Project, 18 March 2005, page 4.



attention as transnational threats could originate from here and cross into the U.S. through Mexico.

Other certain South American countries need to be evaluated as potential contributors to transnational threats to the United States. Venezuela needs to be watched in light of a potential threat that could come through Mexico. President Hugo Chavez has simplified visa requirements for those wishing to go to Mexico. At the same time he has stated on the Al-Jazeera network that, “We are waging an offensive battle...”<sup>11</sup> Those seeking to do harm to the United States could easily come through Venezuela. Additionally, in a drug war that is largely waged on the U.S. border, Colombia will remain center of gravity. Counter-drug efforts in that country could either stem or increase the amount of drugs—and therefore the intensity of smuggling efforts. As new threats continue to be realized, U.S. forces must possess the appropriate authorities that will allow them to be effective in carrying out homeland security duties on the border.

## **Authorities**

In order for DoD forces to be legally employed by NORTHCOM to counter these potential threats, they must comply with specific authorities that balance a need for military action with the sensitivities of involving military forces in homeland affairs. The June 2005 *Strategy for Homeland Defense and Civil Support* gives the primary responsibility for preventing terrorist attacks within the United States to DHS, with DoD in a supporting role.<sup>12</sup> DoD’s Joint Publication 3-26, *Homeland Security*, formalizes this

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<sup>11</sup> Ibid. House Committee on Homeland Security Report, page 31.

<sup>12</sup> Strategy for Homeland Defense and Civil Support, June 2005, page 5.

relationship and outlines the role of the DoD in supporting civilian law enforcement, defining it as a Civil Support mission.<sup>13</sup>

Several other authorities remain relevant in the context of using DoD forces to counter transnational threats on the homeland. First, Title 10 forces are limited by the Posse Comitatus Act (PCA) of 1878 which states that, except as expressly authorized by the President or Congress, federal troops cannot be used for law enforcement duties on the homeland of the United States. The PCA is codified in Title 18 of the U.S. Code and was adapted in 1981 under Public Law 97-86 to permit DoD forces to provide technical and support services to law enforcement personnel in counter drug (CD) operations.<sup>14</sup> As a result of the “War on Drugs” during the Reagan Administration, specific exceptions to the PCA were defined in DoD Directive 5525.5, *DoD Cooperation with Civilian Law Enforcement Officials*. This directive provides the baseline authority for the DoD to perform training, give advice, and lend equipment to law enforcement in support of CD operations.<sup>15</sup>

The National Defense Authorization Act of 1991 also outlines specific CD authorities for DoD to support federal, state, and local law enforcement agencies in their effort to disrupt the flow of illegal drugs into the United States.<sup>16</sup> The corresponding instruction, DoD Directive 3025.15, *Military Assistant to Civil Authorities*, outlines the requesting process, approval authorities, and evaluation criteria used to assess projected

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<sup>13</sup> Joint Publication 3-26, *Homeland Security*, 2 August 2005.

<sup>14</sup> Military support to law enforcement CD operations is codified in Public Law Number 101-510, Section 1004. Source: Shawn Burns, *Homeland Security Considerations*, U.S. Naval War College, National Security Decision Making handout dated 19 April 2006, page 2.

<sup>15</sup> Geoffrey Crawford, *The Posse Comitatus Act: Clarification is Necessary to Support Homeland Defense*, Master’s Thesis, Fort Leavenworth, Kansas, 17 June 2004.

<sup>16</sup> Joint Publication 3-0, *Joint Operations*, 17 September 2006, page VII-4.

law enforcement requirements for DoD forces.<sup>17</sup> Title 10 of the U.S. Code, Sections 371-382 further clarifies DoD support to CD operations by stating that these missions must 1) Enhance the readiness of DoD; 2) Satisfy DoD's statutory detection and monitoring responsibilities; 3) Contribute to the War on Terror (WOT); Advance DoD's security cooperation goals; and 4) Enhance national security.<sup>18</sup>

Another consideration in employing DoD forces on American soil are the Standing Rules for the Use of Force (SRUF). These rules of engagement (ROE) are applied by DoD forces operating within the continental United States (CONUS). Within the context of DoD support to CD operations, the SRUF states, "DoD forces detailed to other U.S. lead Federal Agencies (LFA) (e.g., support to Border Patrol) will operate under common mission-specific RUF approved by the SecDef and the LFA. DoD forces always retain the right to self-defense, IAW these SRUF."<sup>19</sup> In other words, DoD forces need not be confined to the restrictive nature of self-defense ROE when carrying out missions on the border, but instead can be enabled by the use of very specific mission accomplishment ROE that is approved at the highest level.

Finally, Title 32 of the U.S. Code deals exclusively with National Guard (NG) matters. When NG troops are being used for a federal purpose, but under control of their respective states' governor, there are very few restrictions for NG troops carrying out law enforcement functions in CONUS.<sup>20</sup>

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<sup>17</sup> The criteria used to evaluate requests from civil authorities are: legality (compliance with the laws), lethality (potential use of lethal force by or against DoD forces), risk (safety of DoD forces), cost (who pays and impact on DoD budget), appropriateness (whether the requested mission is in DoD interest), and readiness (impact on DoD's ability to conduct its primary missions).

<sup>18</sup> Ibid. JP 3-0, page VII-4.

<sup>19</sup> CJCS Instruction 3121.01B, *SROE/SRUF*, Annex L, pages 1-2.

<sup>20</sup> Shawn Burns, *Homeland Security Considerations*, U.S. Naval War College, National Security Decision Making handout dated 19 April 2006, page 3.

## DISCUSSION and ANALYSIS

### Effectiveness of Law Enforcement Efforts

Supported by FY07 funding from the Homeland Security Appropriations bill,<sup>21</sup> DHS has recently launched the Secure Border Initiative (SBI) that includes hiring 1,500 more CBP agents, improving infrastructure along the border, and upgrading technology to include the use of unmanned aerial vehicles (UAVs) and installing a new command and control (C2) system.<sup>22</sup> Despite these efforts, significant law enforcement capability gaps continue to plague SBI's effectiveness in the Southwest border region. For example, the approved increase of CBP agents will not be enough to fill its manning shortages. Although there are presently 10,000 CBP agents along the Southwest border, a total of 16,000 agents are required to provide an adequate level of protection.<sup>23</sup>

Trends of rising rates of illegal immigration and an increase in violent incidents along the border mean that even more CBP agents will be required. CBP agents have experienced a two-fold increase in violent incidents over the last two years, including cross-border firearm violence.<sup>24</sup> Additionally, with only a ten to thirty percent success rate in apprehending illegal aliens crossing the border,<sup>25</sup> the 650 potential threats to the homeland identified in 2005 could be triple—if not ten-fold the number that have been

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<sup>21</sup> Office of the White House Press Secretary. *Securing America's Borders Fact Sheet: Border Security, Action Plan for Securing a Smart Border*, 25 January 2002. Retrieved from the Web on 8 January 2007 from [www.whitehouse.gov/news/releases/2002/01/20020125.html](http://www.whitehouse.gov/news/releases/2002/01/20020125.html); Office of the White House Press Secretary. *Smart Border: 22 Point Agreement*. Retrieved from the Web on 8 January 2007 from [www.whitehouse.gov/infocus/usmxborder/22points.html](http://www.whitehouse.gov/infocus/usmxborder/22points.html)

<sup>22</sup> SBInet is the name of the system that will be used to increase law enforcement's coordination and situational awareness at the federal state and local levels.

<sup>23</sup> U.S. General Accounting Office, *Illegal Immigration: Status of Southwest Border Strategy Implementation*, 19 May 1999, page 4.

<sup>24</sup> Ibid. House Committee on Homeland Security Report, page 18.

<sup>25</sup> Ibid. House Committee on Homeland Security Report, page 32.

caught. More law enforcement capabilities are required, but are not likely to be forthcoming in the next budget cycle.

According to the House Committee for Homeland Defense, capabilities that are immediately needed to mitigate the lack the of law enforcement capabilities along the Southwest border include: 1) enhancing law enforcement training capacity; 2) upgrading technical surveillance abilities; 3) expanding the use of ground and space sensors; 4) deploying more UAVs; 5) implementing a secure and interoperable C2 network for the federal, state and local levels; 6) providing intelligence support to prevent the entry of terrorists and WMD; and 7) promoting greater cooperation with Mexico to share information and eradicate cartels.<sup>26</sup> Because these capabilities are limited or do not exist within the DHS or the Department of Justice (DOJ), DoD capabilities must be leveraged to meet these requirements.

### **Employment of Military Capabilities**

Joint Task Force – Six (JTF-6) was established on 13 November 1989 with the original mission to support federal law enforcement CD operations along the Southwest border of the United States. In 1995, the JTF-6 area of responsibility was expanded to include all of CONUS. In June 2004, JTF-6 was officially renamed Joint Task Force – North (JTF-N) with an expanded mission to include supporting federal law enforcement agencies in countering *all* transnational threats, not just CD operations. JTF-N’s mission statement is as follows:<sup>27</sup>

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<sup>26</sup> Ibid. House Committee on Homeland Security Report, page 38.

<sup>27</sup> Ibid. JP 3-0, page VII-4.

JTF North detects, monitors and supports the interdiction of suspected transnational threats within and along the approaches to CONUS; fuses and disseminates intelligence, contributes to the common operating picture; coordinates support to lead federal agencies; and supports security cooperation initiatives in order to secure the homeland and enhance regional security.<sup>28</sup>

The employment of DoD units for JTF-N missions to support law enforcement includes reconnaissance, surveillance, detection and infrastructure construction missions that balance unit needs with law enforcement mission requirements.<sup>29</sup> Through JTF-N, individual unit missions have been effective in reducing the flow of illegal drugs and immigrants across the border. Unfortunately, these missions are traditionally limited in scope and duration, curbing the efforts of determined traffickers for only a short time. Moreover, it is becoming increasingly difficult to find units who will volunteer for JTF-N missions due to the high operational tempo of DoD's land forces in the WOT. While a JTF-N rotation can provide excellent training for units<sup>30</sup>—especially those deploying to Iraq or Afghanistan<sup>31</sup>—sustained unit deployments are becoming untenable.

A second way that DoD is attempting to meet shortfalls in law enforcement capabilities is through Operation Jumpstart. Begun last year, Operation Jumpstart is the name given to the two year deployment of 6,000 National Guard troops along the U.S.

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<sup>28</sup> Greg Thomas, *Posse Comitatus and the Use of the Military in Denying Terrorist Access to the United States Along the Border with Mexico*, U.S. Army War College Strategic Research Project, 18 March 2005, page 8.

<sup>29</sup> Steve Bowman and James Crowhurst, *Homeland Security: Evolving Roles and Missions for United States Northern Command*, CRS Report for Congress, Order Code RS21322, 16 November 2006, page 6.

<sup>30</sup> Statement of Admiral Timothy J. Keating, Commander, U.S. NORTHCOM, to the Committee on Senate Armed Services, 14 March 2006, page 3.

<sup>31</sup> For example the open desert terrain offers excellent practice for aviation and cavalry units to detect human and vehicle movements while preparing for duty along Iraq's expansive interior or along the Syrian border. Source: Armando Carrasco, *JTF North and Homeland Security Support*, The Air Land Sea Bulletin, Issue 2006-3, September 2006, page 9.

Southwest border.<sup>32</sup> In this Title 10 role, NG personnel are chiefly involved with supporting CBP with routine administration, maintenance, and engineering projects. By NG personnel taking over these duties, more CBP agents are freed to perform direct law enforcement duties in the field.<sup>33</sup>

While attempts at employing military capabilities to complement law enforcement efforts have met with some degree of success, the restrictions inherent with employing such forces on the homeland, especially with the PCA, will continue to be a limiting factor for DoD forces serving under Title 10 authority. Another constraint that will continue to vex DoD forces is a lack of compliance with complex and unclear mission ROE. For example, an aviation unit conducting a JTF-N surveillance mission that accidentally flies into ambiguous Mexican airspace could have strategic consequences.<sup>34</sup> Also, consider that in 1997 a Marine on border duty shot and killed a Texas teenager, mistaking him for a drug scout.<sup>35</sup> Ten years later, in January 2007, NG soldiers retreated from an observation post when confronted by heavily armed outlaws headed toward Mexico.<sup>36</sup> Both cases raise serious questions about mission accomplishment ROE and the authorities on which they are based. Whereas in the first case it was definitely not acceptable for the Marine to shoot, the second case illustrates that it may have been appropriate, if not necessary for the National Guard soldiers to do so. In any case, PCA

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<sup>32</sup> As defined in a Memorandum of Agreement (MOA) between the governors of Arizona, California, New Mexico and Texas and the Department of Defense. Source: U.S. White House Fact Sheet, *Operation Jump Start: Acting Now to Secure the Border*, [www.whitehouse.gov/news/releases/2006/08/20060803-7.html](http://www.whitehouse.gov/news/releases/2006/08/20060803-7.html)

<sup>33</sup> Jim Greenhill, *Along the Southwest Border, One Size Does Not Fit All*, National Guard Bureau Website, Accessed 29 April 2007 from <http://www.ngb.army.mil/news/archives/2006/12/121106-SWB.aspx>; National Guard Support to the Southwest Border, Accessed 29 April 2007 from <http://www.ngb.army.mil/features/southwestborder/default.aspx>

<sup>34</sup> Interview with Colonel Thomas Gibbons, U.S. Naval War College, 7 February 2007.

<sup>35</sup> Robert Deforge, *Time to Put the Military on the Border*, U.S. Naval War College, 16 May 2006, page 14.

<sup>36</sup> Associated Press Report, *Rules of Engagement Questioned*, 1 February 2007, Accessed 15 February 2007 from <http://www.military.com/NewsContent/0,13319,123789,00html?ESRC=army.nl>

and mission accomplishment ROE boundaries may need to be redrawn in order to best equip DoD forces to accomplish the border mission while minimizing operational and strategic risk.

## **RECOMMENDATIONS**

### **Theater Strategic Planning Considerations**

First, national-level strategies and operational doctrine must continue to evolve to ensure that domestic security does not suffer while terrorism is being fought abroad. Currently, most DoD efforts to include force generation, research and development, and Pentagon staff planning is conducted with the aim of fighting the insurgencies in Iraq and Afghanistan. However, providing resources for the long war must be thought of in a more holistic manner. DoD's homeland security and homeland defense roles must be given more attention than the ad-hoc and temporary nature they currently enjoy. Planning and resourcing DoD's domestic missions must be more deliberate and sustained, to include a real commitment of forces and capabilities that recognize the 21<sup>st</sup> century threat environment. Therefore, the sustained employment of DoD forces and capabilities on the Southwest border of the United States must be permanently woven into the security fabric of the United States' defensive posture for as long as the War on Terror is a core DoD function.

Next, NORTHCOM's theater strategic planning efforts concerning the United States' Southwest border with Mexico must take into account broader considerations. First, the need to maintain an open society while preserving civil liberties and strong economic ties with Mexico will continue to be the desired end-state at the political level for all planning efforts. To help produce these conditions, some political reform is being



proposed at the national level to create a temporary worker program that would establish a legal channel for foreign workers to enter our country in an orderly way for a limited period of time. According to the proposed legislation, this would create a “lawful channel” for those who want to work in the U.S., reducing the number of illegal immigrants and freeing CBP agents to focus on “apprehending criminals and terrorists who pose a threat to our security.”<sup>37</sup> Therefore, NORTHCOM’s theater strategy may have to evolve to leverage such a ground-breaking political agreement while at the same time revising military border support concepts to incorporate a new American immigration paradigm.

Lastly, theater strategic planning activities must be focused on clear security objectives that can be translated into mutually-beneficial arrangements for all stakeholders involved. This process should be thought of in terms of managing disparate organizations that must align around a common vision if NORTHCOM is to develop an integrated border strategy that thinks deeply about defeating threats to the homeland.<sup>38</sup> Properly assessing real threats to national security coming from our southern approach will require the expertise of other security stakeholders as well as those in disciplines that are outside the traditional practice of threat assessment.<sup>39</sup> First of all, coordination with civilian law enforcement and intelligence agencies in DHS (i.e. CBP and Immigration

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<sup>37</sup> U.S. White House Fact Sheet, *Operation Jump Start: Acting Now to Secure the Border*, Accessed 29 April 2007 from [www.whitehouse.gov/news/releases/2006/08/20060803-7.html](http://www.whitehouse.gov/news/releases/2006/08/20060803-7.html)

<sup>38</sup> This model is proposed for revising the National Security Strategy, but applied here to address NORTHCOM’s more specific needs for security cooperation. Source: Christopher Chyba, Harold Feiveson and David Victor, *Report of the Working Group on Relative Threat Assessments*, The Princeton Project on National Security.

<sup>39</sup> This includes consultation with civilian agencies the Organization of American States, the Inter-American Defense Board, academia, and industry as part of the U.S. Army’s concept for a Western Hemisphere Information Exchange Program. Source: Joseph Vallone, *Honing the Tip of the Spear: Army Security Cooperation Policy Reform*, U.S. Army War College Strategic Research Project, Carlisle Barracks, 15 March 2006, page 13.

and Customs Enforcement), DOJ (i.e. FBI and DEA), and the intelligence community (IC) (i.e. CIA and NSA) will enhance NORTHCOM's situational awareness on the Southwest border. Sustained cooperation with DHS, DOJ and the IC will aid NORTHCOM's theater strategic planning within the United States by being able to better anticipate threats and forecast requirements for countering them on the Southwest border. Meanwhile, cross-talk with SOUTHCOM will contribute to a layered early warning strategy. Finally, becoming a part of the Western Hemisphere Information Exchange Program<sup>40</sup>, which includes the Organization of American States, the Inter-American Defense Board, academia, and industry will help to round out a security cooperation plan that complements similar initiatives.

### **Security Cooperation with Mexico**

Through NORTHCOM, Mexico has a central, yet complex role in securing our southern approach. The most complicating factor is that the tradition of U.S. - Mexican cooperation is not based on security arrangements, but on economics. Indeed, with the introduction of the North American Free Trade Agreement (NAFTA)<sup>41</sup> in 1994, 89% of Mexican exports now go the United States, while 73% of Mexico's imports are from the United States.<sup>42</sup> The routes that make free-flowing ports of entry so attractive for

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<sup>40</sup> Ibid. Vallone, page 13.

<sup>41</sup> While NAFTA was originally thought to curb illegal immigration by providing more opportunities in Mexico, it has actually increased the number of illegal crossings. The number of northbound crossings jumped from 2.7 million since NAFTA's introduction in 1994 to 4.3 million in 2001. Source: Richard S. Vanderlinden, *Generating Capability Requirements for Land Border Security Forces: Applying the Army's Force Management Model*. U.S. Army War College Strategic Research Project, Carlisle Barracks, 18 March 2005, page 15.

<sup>42</sup> Ibid. Vanderlinden, page 14.

legitimate commerce also make them ideal for cartels to traffic their cargoes virtually unimpeded while opening the door for transnational threats.

According to NORTHCOM's commander, "great strides" have been made in building "effective relationships" with Mexico.<sup>43</sup> However, there is a need for an enhanced theater security cooperation plan (TSCP) with our southern neighbors. Our southern approach will not be secure until Mexico is secure. Although its full cooperation is vital, its participation in defense arrangements with the United States is still dubious as Mexico is internally focused and claims to have no external state enemies. Therefore, security cooperation with Mexico has traditionally been at the working level, dealing mainly with law enforcement matters. Any true defense agreements that have been made in the past have been coordinated at the national strategic level with the Chairman of the Joint Chief of Staff (CJCS). Therefore, Mexico has no natural entry point for coordination with NORTHCOM at the operational level.<sup>44</sup>

However, engagement needs to occur at the combatant commander level if progress is to be made. In order for NORTHCOM to succeed, Mexico's security interests must be tied to our own. When put in the light of economic security, Mexico loses an enormous amount of national capital that results from widespread corruption that is tied to drug, human and arms trafficking. Therefore, Mexico will directly benefit from the effects of countering cartel-sponsored corruption that begins south of their border in Colombia and ends at their Northern border in the United States.

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<sup>43</sup> Statement of Admiral Timothy J. Keating, Commander, U.S. NORTHCOM, to the Committee on Senate Armed Services, 14 March 2006, page 8.

<sup>44</sup> John Cope, *A Prescription for Protecting the Southern Approach*, Joint Forces Quarterly, Issue 42, 3<sup>rd</sup> Quarter, 2006, pages 17-18.

Additionally, giving Mexico a large stake in engagement and cooperation that focuses on transparency at every level will go a long way in ensuring that we have more reliable early warning on transnational threats. For example, Mexico can help with targeted intelligence by providing analysis on data from financial transactions that involve cartels. For example, an OTM, especially from a Special Interest country, can fetch up to \$60,000 per alien—as opposed to only \$2,000 for a Mexican immigrant.<sup>45</sup> Therefore, certain international money movements could be tracked within the Mexican financial system, and could serve as I&W for potential Special Interest OTM crossings.

### **Employment of National Guard Units for Border Duty**

In order to implement the theater strategic planning measures that provide robust military capabilities to law enforcement while creating a sustained deterrent effect to lawless cartels, a permanent military presence is required on the Southwest border of the United States. Because the stakes of a growing threat demand more than ad-hoc efforts, the creation of a standing Joint Force Land Component Command (JFLCC) for NORTHCOM is required.

The challenges for Title 10 land forces such reactive ROE resulting from PCA restrictions combined with an extremely high OPTEMPO makes it impractical to continue to use them as the primary force to support DHS in their efforts in the Southwest border region. Therefore, Title 10 land forces, such as those that serve unit rotations at JTF-N, should not be counted on to execute critical homeland security missions for the foreseeable future. Moreover, the use of the NG in supporting roles, such as in Operation Jumpstart, is also only a temporary solution to a shortage of CBP agents. Indeed,

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<sup>45</sup> Ibid. House Committee on Homeland Security Report, page 32.

Jumpstart’s 2,000 NG soldiers do not address the 4,500 CBP agent gap identified by the GAO.

Some literature already suggests making Homeland Security the primary mission of the National Guard.<sup>46</sup> However, with the exception of some specialized capabilities assigned to existing task forces (e.g. ordnance and chemical units tasked to support JTF Civil Support), units supporting NORTHCOM operations are currently organized on an “come as you are” basis and may not be trained and equipped to carry out assigned missions.<sup>47</sup> Even though the Army National Guard’s fifteen combat brigades<sup>48</sup> may be about the right size for the varied missions associated with Homeland security and defense tasks, they will have to be reorganized and re-tasked to carry this out. A fundamental reorganization of NG forces would have to occur that would alleviate brigade-sized units’ participation in the overseas combat tours. Such reorganization would entail a complete shift in the National Guard DOTMLPF<sup>49</sup> to support this paradigm change.

While NG combat brigades are currently being used to offset—albeit only to a minor degree—active duty force rotations, new end-strength authorizations for the Army and Marines should serve to keep more NG units at home.<sup>50</sup> This will result in a reduced

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<sup>46</sup> Adrian Erckenbrack and Aaron Scholer, *The DoD Role in Homeland Security*, Joint Force Quarterly, Issue 35, page 35.

<sup>47</sup> Consider, for example, that during Hurricane Katrina Louisiana’s NG was largely unavailable because they were redeploying from Iraq, causing active duty units from the 82<sup>nd</sup> Airborne to respond to a state emergency.

<sup>48</sup> The 15 ARNG brigades are currently organized into seven armored, seven infantry, and one cavalry brigade. Source: Robert Deforge, *Time to Put the Military on the Border*, Naval War College, 16 May 2006, page 11.

<sup>49</sup> DOTMLPF is the DoD term for adapting and restructuring the Doctrine, Organizational Design, Training, Materiel, Leadership and Education, Personnel and Facilities of an organization to meet future mission needs.

<sup>50</sup> Fiscal Year 2007 end strength authorizations will increase the active Army and USMC by 30,000 and 5,000 respectively. Source:

NG OPTEMPO that will allow them to train for new skill sets while making them available to state governors for state emergencies. Moreover, there would be a real possibility for some units (especially those in California, Texas, New Mexico and Arizona) to be employed exclusively in their home states as border enforcement forces under Title 32, free of Title 10 and PCA restrictions. This kind of homeland security role for NG units would allow them to execute duties that are more commensurate with their intended purpose, while building a base of expertise that does not depend on ad-hoc force structures and capabilities to carry out missions on the border.

## CONCLUSION

The Southwest border region of the United States is indeed an economy of force theater. Identifying national security threats on our southern approach will take the full attention of NORTHCOM as well as the full cooperation of many military, civilian and governments organizations—not the least of which is Mexico itself. However, simply identifying the threats may not be enough. A credible deterrent in the form of forces that are armed with proper capabilities and ROE must also be placed along the border to dissuade the lawless intentions of cartels and other transnational threats. The sum of all of these efforts will result in a reduction of illegal aliens identified as Special Interest OTMs. This benchmark can serve as visible evidence of a reduced threat to the homeland. Indeed, Americans should not expect to live their lives free of risk, but they should expect that risk to be managed.<sup>51</sup>

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<http://a257.g.akamaitech.net/7/257/2422/15may20061514/www.gpoaccess.gov/serialset/creports/pdf/hr109-452/title4.pdf> Accessed 9 May 2007.

<sup>51</sup> Stephen Flynn, *The Neglected Home Front*, Foreign Affairs, September/October 2004 issue, page 5.

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